

The Draft Additional Protocol to the African Charter on Human and Peoples' Rights on the Abolition of the Death Penalty in Africa

An African instrument to protect human rights while respecting State sovereignty

WHY DO WE NEED AN AFRICAN PROTOCOL ON THE ABOLITION OF THE DEATH PENALTY?

From a **political** point of view, it shows the will of the African Governments to openly deal with the question of the death penalty and to further this issue on the continent. It reasserts that the respect of the right to life necessarily requires the abolition of the death penalty.

From a **legal** point of view, it is binding only upon States that have ratified it, and it supplements and enhances the provisions on the right to life (Article 4) of the African Charter on Human and Peoples' Rights. It provides the legal means of abolishing the death penalty and of preventing it from being reintroduced in the State parties.

From an **educational** point of view, it serves as an instrument which governments, national human rights institutions, religious, traditional and customary leaders, lawyers, the judiciary, civil society organisations, the media and citizens can use as a basis to advocate for the abolition of the death penalty.

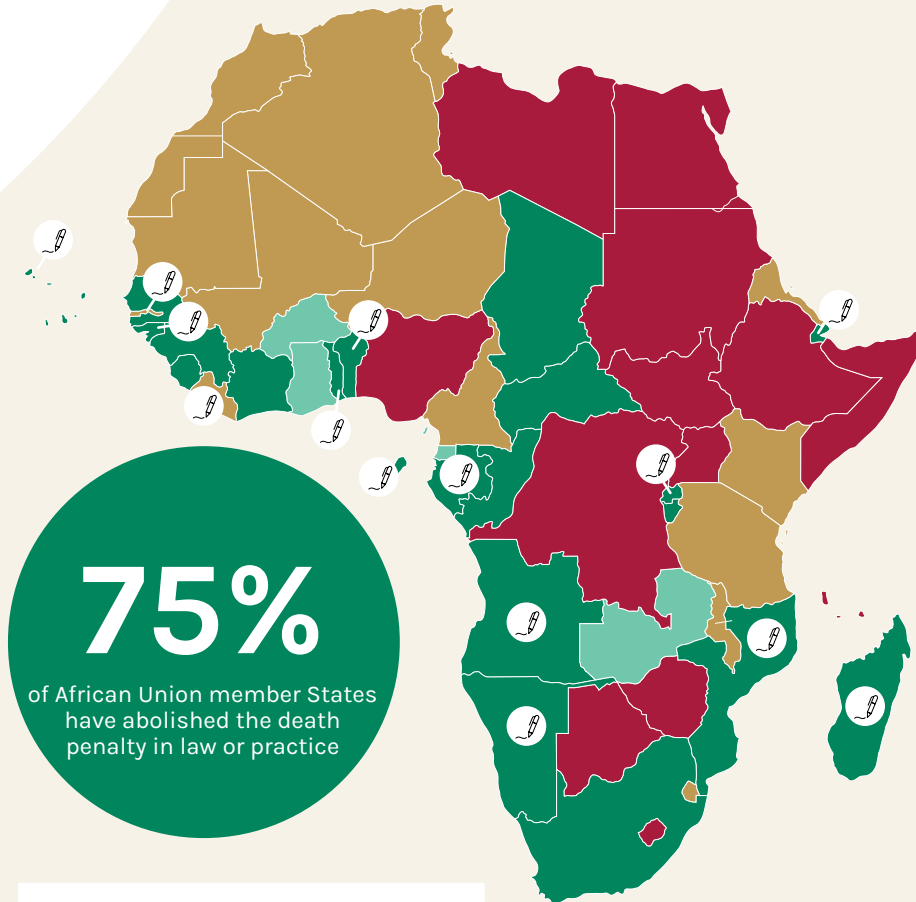
WHAT DOES THE DRAFT ADDITIONAL PROTOCOL ON THE ABOLITION OF THE DEATH PENALTY IN AFRICA SAY?

The preamble recalls the commitments of the African Union and of its Member States in favour of the abolition of the death penalty and emphasises the importance of abolition for the protection and promotion of human rights.

- **Article 1** requires signatory States to the Protocol to commit to protecting the right to life and to abolishing the death penalty while respecting their sovereignty.
- **Article 3** requires States that have ratified the Protocol to apply a moratorium on executions pending the completion of the national legislative process abolishing the death penalty.
- **Article 4** refers to Member States' reporting obligations to the African Commission on Human and Peoples' Rights.
- **Article 6** provides for the entry into force of the Protocol once ratified or signed by 15 African Union Member States.
- **Articles 2 and 5** provide for administrative and procedural processes.

THE DEATH PENALTY IN THE AFRICAN UNION

The last 5 African States to abolish the death penalty: Ghana, Equatorial Guinea, Central African Republic, Sierra Leone and Zambia



- Abolitionist states for all crimes
- Abolitionist states for ordinary crimes
- Abolitionist states in practice
- Non-abolitionist states



States that have ratified or acceded to the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty